

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CELGENE CORPORATION, CELGENE INTERNATIONAL SÀRL, AND BRISTOL-MYERS SQUIBB COMPANY,

Plaintiffs,

v.

ACCORD HEALTHCARE INC.,

Defendant.

Case No. 21-cv-1795-JLH  
(lead case)

CELGENE CORPORATION, CELGENE INTERNATIONAL SÀRL, AND BRISTOL-MYERS SQUIBB COMPANY,

Plaintiffs,

v.

MSN LABORATORIES PRIVATE LIMITED AND MSN PHARMACEUTICALS, INC.,

Defendants.

Civil Action No. 23-cv-699-JLH

**CONSENT JUDGMENT AND ORDER OF DISMISSAL**

Plaintiffs Celgene Corporation, Celgene International Sàrl, and Bristol-Myers Squibb Company (collectively, “Plaintiffs”), and Defendant MSN Laboratories Private Limited (“MSN”), the parties in the above-captioned action, hereby stipulate and consent to entry of judgment and an injunction in this action as follows:

IT IS this 29th day of February, 2024:

ORDERED, ADJUDGED, AND DECREED as follows:

1. This Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties for purposes of this action only, including as set forth below in Paragraph 6 of this Consent Judgment.

2. As used in this Consent Judgment, the term “MSN ANDA Product” shall mean 200 mg and 300 mg azacitidine tablets manufactured, imported, sold, offered for sale, marketed, or distributed pursuant to Abbreviated New Drug Application No. 218435 in or for the United States of America, including its territories, possessions, and the Commonwealth of Puerto Rico.

3. As used in this Consent Judgment, the term “Patents-in-Suit” shall mean U.S. Patent Nos. 8,846,628 and 11,571,436.

4. Until expiration of the Patents-in-Suit, MSN, including any of its successors and assigns, is enjoined from infringing the Patents-in-Suit, on its own part or through any third party on its behalf, by making, having made, using, selling, offering to sell, importing, or distributing of the MSN ANDA Product in or for the United States of America, including its territories, possessions, and the Commonwealth of Puerto Rico, unless and to the extent otherwise specifically authorized by Plaintiffs, and is further enjoined from assisting or cooperating with any third parties in connection with any infringement of the Patents-in-Suit by any such third parties in connection with making, having made, using, selling, offering to sell, importing, or distributing of any azacitidine-containing drug product that references New Drug Application 214120 in or for the United States of America, including its territories, possessions, and the Commonwealth of Puerto Rico, unless and to the extent otherwise specifically authorized by Plaintiffs.

5. Compliance with this Consent Judgment may be enforced by Plaintiffs and its respective successors in interest or assigns.

6. This Court retains jurisdiction to enforce the terms of this Consent Judgment and to enforce and resolve any disputes related thereto.

7. All claims, counterclaims, affirmative defenses, motions and demands in this action that are hereby dismissed with prejudice and without costs, disbursements, or attorneys' fees to any party.

8. Nothing herein prohibits or is intended to prohibit MSN from maintaining any "Paragraph IV Certification" pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) or pursuant to 21 C.F.R. § 314.94(a)(12) with respect to the Patents-in-Suit or any other patent.

9. Nothing herein restricts or is intended to restrict the U.S. Food and Drug Administration from approving Abbreviated New Drug Application No. 218435 or the MSN ANDA Product.

10. Nothing herein prohibits or is intended to prohibit MSN from engaging in any activity permitted under 35 U.S.C. § 271(e)(1).

Dated: February 28, 2024

FARNAN LLP

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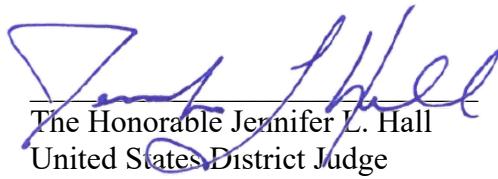
Respectfully submitted,

STAMOULIS & WEINBLATT LLC

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Private Limited and MSN Pharmaceuticals,  
Inc.*



The Honorable Jennifer L. Hall  
United States District Judge